Court No. 2

Writ Petition No. 1193 of 2002 (S/B)

Vishan Chandra Garg …… Petitioner

Vs.

U.P.Jal Nigam and others ….. Respondents

……..

Hon. P.C. Verma,J.
Hon. Irshad Hussain,J.

The petitioner is an Assistant Engineer in Jal Nigam. The Board of Jal Nigam took a policy decision for creating a Hill sub cadre in the year 1993 and to enforce the said decision. Circular was issued on 4.6.1994 inviting options of the candidates who were willing to be absorbed in the Hill cadre. The last date given for option was 3.9.1994. The petitioner applied for absorption in Hill sub cadre on 1.11.1997. The case of the petitioner was not considered on the ground that the option was not exercised by the cut off date. The petitioner submits that board has framed regulations as Uttar Pradesh Jal Nigam Hill Sub Cadre regulations 1998. After the enforcement of the said regulations, again option were invited by circular dated 20.1.1999. He further submitted that his options exercised in the year 1997 could be accepted in view of the regulation of 1998.

Learned counsel for the Jal Nigam submits that since the circular dated 20.1.1999 which was issued after enforcement of regulation 1998 had been stayed by the High Court of Uttar Pradesh at Lucknow, no further step could be taken by the Jal Nigam.

As we have seen from the facts narrated above, the petitioner has exercised his option prior to the enforcement of Hill sub cadre regulation, 1998 and his option could have been proceeded with in pursuance of the circular issued on 20.1.1999 which, it is said was stayed by the High Court. Thus the Jal Nigam is directed to consider the case of the petitioner for absorption in Jal Nigam and to accord him Hill cadre giving him all the consequential benefits thereof.

The writ petition is accordingly allowed.

(Irshad Hussain, J.) **(P.C.Verma,J.)**

Dt.05.09.2002
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